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MARCH 5, 2004

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OF

Administrative Action

MARTIN H. WEINSTEIN, D.P.M. : **FINAL ORDER**
License No. MD 01224

TO PRACTICE PODIATRIC :
MEDICINE IN *THE* STATE OF :
NEW JERSEY

This matter was opened before the New Jersey State Board of Medical Examiners ("the Board") by a Complaint, Notice of Hearing and Notice to File Answer filed March 11, 2003 by Attorney General Peter C. Harvey, Joan D. Gelber, Deputy Attorney General appearing. The Complaint alleged in three counts that respondent engaged in fraud exceeding \$56,000 on patients and on Horizon Blue Cross/Blue Shield of New Jersey by improper billing which resulted in the overpayment by the carrier in or about 1993. The Complaint also alleged that during 1996-1998 respondent engaged in a different form of fraud by altering the mailing addresses of at least 21 patients/policyholders so that the insurance payments were diverted directly to respondent's post office box in an amount exceeding \$200,000. The Complaint finally alleged that in 2001 respondent engaged in forgery of six personal checks in an amount exceeding \$9,000 belonging to the prior business partner of his former wife. The total fraud alleged in the Complaint involved at least 93

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patients/policyholders and resulted in over \$300,000 in false insurance claims.

Singularly or cumulatively respondent's conduct as alleged in Count 1 - submitting improperly billed claims, agreeing in writing to make reimbursement and then failing, without good cause, to make the agreed reimbursement in defiance of a court judgment - constitutes misrepresentation and/or deception, fraud and/or false pretense, and/or repeated negligence, professional misconduct, and failure of the ongoing requirement of good moral character, all in violation of N.J.S.A. 45:1-21(b), (d) and (e) and of N.J.S.A. 45:5-5.2. Respondent's conduct as alleged in Count 2 - holding himself out to the carrier pretending to be one or more of his patients to induce the carrier to change the patient/insured's mailing address to a post office box which was under respondent's control, preparation of fraudulent patient records in violation of N.J.A.C. 13:35-6.5, submission of claim forms for services not ordered as part of a scheme to submit bills in order to reduce his outstanding debt to the carriers,¹ misappropriation of checks intended for the patients (via respondent's signature on the checks and cashing and keeping the monies)- constitutes misrepresentation, deception, fraud and/or false pretense in violation of N.J.S.A. 45:1-21(b) and (h). Said conduct also constitutes professional misconduct in violation

¹ The debt was incurred as a result of respondent's conduct as alleged in Count 1.

of N.J.S.A. 45:1-21(e) and failure to maintain the ongoing requirement of good moral character, in violation of N.J.S.A. 45:5-5.2. Further, respondent's conduct as alleged in Count III - appropriating each of the six checks for his own use, forging the name of his then wife's prior business partner and acquisition of the monies - constitutes singularly or cumulatively misrepresentation, deception, fraud and false pretense in violation of N.J.S.A. 45:1-21(b)2 and failure to maintain the ongoing requirement of good moral character in violation of N.J.S.A. 45:5-5.2.

The Board at its regularly scheduled meeting on January 14, 2004 considered the application of Deputy Attorney General Joan D. Gelber for Entry of Default, Costs, Reimbursement to Carriers and Assessment of Penalty. Respondent did not file an Answer to the Complaint or appear on the day of the hearing. A Certification details efforts at service which were not successful. The Board was aware that respondent's address of record was his prior podiatric office which was closed and that service at that address would have been futile. Therefore alternate addresses were utilized for service. Delivery/service upon respondent's mother was selected as respondent listed her address on his New Jersey State driver's license and his W-4 income tax form.

The multiple attempts at service include an October 2, 2003 mailing of the Complaint and Notice of Hearing and Notice to

file Answer to respondent's parents' address. That mailing included an advisement that failure to respond could result in a motion seeking default. The envelope was returned marked "Not deliverable as addressed, unable to forward." An additional attempt at service occurred on October 2, 2003 when an investigator of the Enforcement Bureau personally delivered a copy of the Complaint and Notice of Hearing and cover letter to respondent's mother at her home. She accepted the papers but denied that respondent was living at that address and declined to sign for the document. She specifically requested that no further documentation be mailed to her house.

Further attempts at service included legal notices placed by the administrative office of the Board on December 19 and December 26, 2003 in the Asbury Park Press and The Star Ledger, two newspapers of general circulation in the area where respondent lived and practiced. The notices advised of the pendency of the Complaint and the need to file an answer.

Further, the Board is aware that a Bench Warrant for respondent from the Monmouth County Prosecutor's Office is outstanding. After respondent was admitted into PTI for the forgeries detailed in Count III, respondent's PTI status was revoked when the State Grand Jury Indictment was filed and when respondent failed to appear on February 25, 2003 for an arraignment conference and failed to inform his probation officer of his current address.

Upon review of the matter, the Board finds that the State has demonstrated extraordinary and multiple efforts at service. Respondent cannot be permitted to evade prosecution by not informing the Board of his address of record, and/or that he has moved or by allowing his license to lapse. Further, we find that the State has satisfied its burden of service pursuant to R. 4:4-4 of the Rules of Court which allows alternative service to be made by leaving a copy of the documents at the individual's dwelling place with a competent member of the household at least 14 years old. We find that in the absence of a current address of record with the Board, respondent's designation of his mother's home as his to the State for purposes of a driver's license and tax forms is sufficient indicia of his representation of that address as his residence for purposes of service in this matter. We therefore find respondent to be in default and proceed to consider the merits of the charges.

The Board in considering this matter is aware that Respondent's podiatric license lapsed on October 31, 2001 due to respondent's failure to renew. However, the State argued and the Board finds that it has an interest in retaining jurisdiction because respondent merely needs to satisfy certain administrative requirements pursuant to N.J.S.A. 45:1-7.2 to renew his license. Additionally, although respondent allowed his license to lapse and it would therefore be automatically suspended by operation of law pursuant to N.J.S.A. 45:1-7.1(b)2., the conduct alleged in the

Complaint took place while he had an active license. (See Matter of Kyung Suk Chai, M.D., Appellate Division Docket A-2006-78, unreported, decided May 20, 1980.) Therefore, the Board retains jurisdiction.

. In the absence of any explanation or refutation, the Board deems the evidence upon which this application was based to be credible and true and accordingly finds that respondent failed to conform with the statutory and regulatory obligations as set forth in the Complaint and thus it concludes that the violations alleged therein occurred. In reaching its decision as to Count I the Board considered the full record, including the Reimbursement Agreement dated 6/8/93 between respondent and Blue Cross and Blue Shield of New Jersey which constitutes an admission of the overpayment by the carrier. We also considered the Order of the Superior Court, Law Division ordering respondent to pay the unpaid balance of that debt. We base our findings in regard to Count II in part on the exemplar certified statements of fraud victims and the checks and computer listing of respondent's identification of each patient's address as P.O. Box 3145, his post office box number. In regard to the findings arising from the conduct described in Count III, we find the Certification of Detective Angelini of the Office of the Monmouth County Prosecutor with attachments compelling. We also considered the prosecutor's letter of 5/2/03 reporting that respondent satisfied his restitution requirement to the victim but

had been terminated from PTI and his whereabouts are listed as "unknown".

The Board finds that the proofs herein when viewed in their entirety demonstrate a seven-year pattern of greed, dishonesty and fraud perpetrated on carriers, patients' and a business partner of respondent's former wife. Respondent's complicated schemes to rob others while enriching himself occurred in his professional and personal capacities. We find he is unfit to hold the position of trust vested in a podiatric licensee. In reaching these findings the Board relied on the exhibits presented in the Appendix of the Complaint and the Certification of the deputy attorney general at the hearing. The exhibit list is attached to this Order and made a part hereof.

ACCORDINGLY, IT IS ON THIS 5th DAY OF 2004,

ORDERED as follows:

1. Respondent's license to practice podiatric medicine in the State of New Jersey is hereby revoked effective immediately.

2. Respondent shall immediately forward restitution to the carrier in the amounts of \$35,196.32 and \$230,248.93 by certified check or money order payable to the carrier and mailed to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.

3. Respondent shall immediately forward by certified check or money order payable to the New Jersey State Board of

Medical Examiners and mailed to 140 E. Front Street, P.O. BOX 183, Trenton, New Jersey 08625-0183 penalties in the sum of \$10,000.00 per count for a total of \$30,000 pursuant to N.J.S.A. 45:1-22 and N.J.S.A. 45:1-25.

4. Respondent shall immediately forward by certified check or money order payable to the New Jersey State Board of Medical Examiners and mailed to 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 costs incurred for the investigation of this matter pursuant to N.J.S.A. 45:1-25 in the amount of \$2,304.96.

5. Respondent shall immediately forward attorney fees in the amount of \$14,220.00 by certified check or money order payable to the New Jersey State Board of Medical Examiners and mailed to the Board at 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.

6. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt.

7. Respondent shall be permitted to move within six months from the date of the Order to vacate the Default and this Order for good cause shown.

STATE BOARD OF MEDICAL EXAMINERS

By :



David M. Wallace, M.D.,
President

EXHIBIT LIST

Exhibit 1: Enforcement Bureau efforts to locate and serve Dr. Weinstein

Investigator Rudolph T. Cherney, Jr., Enforcement Bureau, 10/3//03 Certification of Due Diligence, referencing various documents (excerpted attachments listed hereafter).

Long Branch Police Department summonses for reckless driving and for driving with a suspended license, both on 7/7/02.

Long Branch Police Department Report of Arrest for contempt of court on 11/18/02 (failure to appear), listing last police address record of Ocean (South) Ave #235, Long Branch City, NJ 07740, with Hilbe Management as last reported employer.

Martin H. Weinstein, W-4 Tax form, 2002, Hilbe Management Co.

Registration and payment receipt to Martin H. Weinstein at Fountain's Motel during period July - August, 2002.

\$500 Bail Recognizance 11/19/02 for Dr. Weinstein, posted by and receipted 12/9/02 to Bernice F. Weinstein.

Certification of Investigator Robert DeSevo, 5/6/03, recounting unsuccessful efforts to locate Dr. Weinstein.

Certification of Investigator Rudolph T. Cherney, 5/16/03, recounting judicial actions and issuance of arrest warrant for Dr. Weinstein with bail raised to \$25,000, and unsuccessful efforts to serve Dr. Weinstein through his mother, Mrs. Bernice Weinstein.

Order of Bail Forfeiture and Bench Warrant issued 5/13/03 by the Superior Court of New Jersey, Monmouth Vicinage, Law Division/Criminal, in Indictment #01-12-2754.

Inv. Cherney Certification 7/31/03 of continued active status of the Warrant.

Inv. Cherney Certification 9/9/03 recounting continued active status of arrest warrant, and unsuccessful efforts to locate Weinstein at prior Hilbe Management employment or at home of his parents at the address provided to prior employer Hilbe.

Exhibit 2: Blue Cross Blue Shield investigations

Certification 2/25/03 of Stephen F. McCabe, Investigator, Horizon Blue Cross Blue Shield of New Jersey with referenced attachments (excerpted here).

Dr. Weinstein's provider questionnaire 7/1/81.

Dr. Weinstein letters 12/2/81 and 12/24/81 changing his address to P.O. Box 3145, Long Branch, NJ and confirming that the mailing address is in his role as a provider.

Reimbursement Agreement 6/8/93 between Dr. Martin Weinstein and Blue Cross Blue Shield of New Jersey, Inc. for \$56,042.90 overpayments.

Blue Cross and Blue Shield of New Jersey v. Martin H. Weinstein, D.P.M., Complaint, Docket No. ESX-L-4620-95, 4/13/95, alleging failure to have paid up on his promissory note to make agreed repayments with "Reimbursement Agreement" dated 6/8/93 for overbilling of \$56,042.90 for 67 claimed surgical bills.

Carrier letter 11/21/95 terminating Weinstein as a participating provider.

Order of the Superior Court, Law Division, Docket No. ESX-L-4620-95 in Blue Cross and Blue Shield of New Jersey, Inc. v. Martin H. Weinstein, D.P.M. filed 2/24/97 ordering Dr. Weinstein to pay unpaid balance of \$35,196.32.

Dr. Weinstein's 10/14/99 response to Inv. McCabe claiming to have been unaware of carrier requests for records inspection.

Inv. McCabe Investigative Memorandum 4/19/02 with attached Investigative Details.

Exhibit 3: Documents from Blue Cross/Blue Shield and from Division of Criminal Justice

Exemplar certified statements from fraud victims:

Ms R. E. (Weinstein claim \$14,300)

Ma J. F. (claim \$17,350.64)

Ms R. G. (claim \$12,586.39)

Mr. D. K. (claim \$13,294.21)

Mr. D. L. (claim \$13,350.64)

Office of Insurance Fraud Prosecutor letter 2/6/03 enclosing Memoranda of Interviews of some of Dr. Weinstein's patients.

Exemplar Memoranda of Interview by Division of Criminal Justice Special Investigator Abraham A. Aquino with exemplar checks, and Blue Cross Blue Shield computer listing of Dr. Weinstein's identification of each patient's address as P.O. Box 3145, Long Branch, NJ and carrier's total of checks paid to the "patient" at the PO Box 3145 address:

Mr. I. D. (claim \$14,850.00), Interview Memorandum 8/14/02.

Ms R. D. (claim \$11,040.00), Interview Memorandum 8/20/02.

Ms P. L. (claim \$14,273.96), Interview Memorandum 8/20/02.

Ms A. S. (claim \$15,040.00), Interview Memorandum of Mrs. A. S. and Mr. R. S., 10/2/02.

Ms L. T. (claim \$12,100.00), Interview Memorandum 10/2/02.

State Grand Jury Indictment 03-01-00022-S, filed 1/22/03,
alleging Health Care Claims Fraud.

Exhibit 4: Forgery and Theft by Deception from Ms P. B.

Certification 2/14/03 of Det. Robert Angelini, Office of the Monmouth County
Prosecutor, with referenced attachments.

Certified statement 8/15/01 of victim P. B. regarding forgeries.

Monmouth County Prosecutor's Office transmission of Miranda Warnings and Interview
Statement 8/17/01 of Dr. Martin Weinstein, with copy of the six identified forged checks,

Monmouth County Criminal Indictment No. 01-12-02254 alleging forgery,

Prosecutor's letter 3/3 1/03 enclosing Dr. Weinstein's 5/6/02 PreTrial Intervention
Program Order of Postponement (of prosecution of Indictment 01-12-2254).

Prosecutor's letter 5/2/03 reporting that Dr. Weinstein had satisfied his
restitution requirement (to Ms P. B.), but had been terminated from the PreTrial
Intervention Program for the reasons listed on the Termination Notice, noting bench warrant
and listing Dr. Weinstein's address as "unknown."

In the Matter of the Revocation or Suspension of the License of Kyong Suk Chair.
M.D., Superior Court of New Jersey, Appellate Division, Docket A-2006-78, decided
March 20, 1980, unreported.

List of 26 exemplar patients in whose names (were redacted) Dr. Weinstein submitted
bills alleged to be fraudulent, totaling \$288,754.32, and carrier payment of \$230,248.93.

Exhibit 5: Documents related to investigative costs and attorney fees

Certification of Costs, Richard L. Perry, Supervising Investigator dated December 26, 2003.

Certification of Joan D. Gelber for Entry of Default, Costs, Reimbursement to Carriers
and Assessment of Penalty and attachments dated December 30, 2003.

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

[†] Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Dab Bank.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement,

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license **has** been revoked, **suspended for one (1) year or more or permanently** surrendered must remove signs **and** take affirmative action to **stop** advertisements by which **his/her** eligibility to practice is represented. The licensee **must also take steps to remove** his/her name from professional **listings**, telephone directories, **professional stationery**, or **billings**. If the **licensee's** name is utilized in a group practice title, it shall be deleted. Prescription **pads** bearing the **licensee's** name shall **be destroyed**. A destruction report form obtained **from the Office of Drug Control (973-504-6558)** must be filed. If no other licensee is providing services at **the** location, **all** medications **must be removed and** returned to the **manufacturer**, if possible, destroyed or **safeguarded**. (In situations **where a license has** been suspended for less than one year, prescription pads and medications need not be destroyed but must be **secured in a locked place for safekeeping**.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A **licensee shall not charge**, receive or share in **any fee for** professional **services** rendered by him/herself **or** others while barred **from engaging** in **the** professional practice. The licensee may be compensated for the reasonable value of **services** lawfully rendered **and** disbursements incurred **on** a patient's behalf prior to **the** effective date **of** the Board action.

A **licensee who is a shareholder in a** professional **senrice** corporation organized to engage in **the** professional practice, **whose** license is revoked, surrendered or suspended for a term **of one (1) year or more shall be** deemed to be disqualified from the practice within the meaning of **the** Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the **professional** service corporation pursuant to N.J.S.A. 14A:17-13(c). A **licensee** who is a member of a **limited liability company** organized pursuant to N.J.S.A. 42:1-44, **shall** divest him/herself of all financial interest. **Such** divestiture shall **occur** within 90 days following the the entry of **the** Order **rendering the licensee** disqualified to participate in **the** applicable form of ownership. Upon divestiture, a licensee **shall** forward to the Board a copy of documentation **forwarded to** the Secretary of State, Commercial Reporting Division, demonstrating that **the** interest has been terminated. If the licensee is the sole shareholder in a professional senrice corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, **as** a result **of** the Boards action, a practice is closed or transferred to another location, the licensee shall **ensure** that **during** the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The **message** should inform patients of the names and telephone numbers of the licensee (**or his/her** attorney) **assuming custody of the records**. The same information shall **also** be disseminated by means of a notice to be published at least once per month for three (3) months in a **newspaper of**

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.



**NOTICE OF REPORT " PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey **State Board of Medical Examiners** are available for public inspection. Should ~~any~~ inquiry ~~be~~ made ~~concerning~~ the status ~~of~~ a licensee, the inquirer will be informed of the existence of the ~~order~~ and a copy will ~~be~~ provided if requested. All evidentiary hearings, ~~proceedings~~ on motions ~~or~~ other applications which are conducted as public hearings ~~and~~ the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank ~~any action~~ relating to a physician which ~~is~~ based on reasons relating to professional competence ~~or~~ professional conduct:

- (1) Which **revokes** or suspends (~~or otherwise restricts~~) a license,
- (2) Which censures, reprimands or places on **probation**,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data **Bank**, any formal or official actions, such as revocation ~~or~~ suspension of a license (and the length of any such suspension), reprimand, censure or probation ~~or~~ any ~~other~~ loss of license ~~or~~ the right to apply ~~for, or~~ renew, a license of ~~the~~ provider, supplier, or **practitioner**, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or ~~any~~ other negative action ~~or~~ finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if ~~the Board~~ refuse to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization **with** which a licensee is affiliated and ~~every~~ other board licensee in this state with whom ~~he~~ or ~~she~~ is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of ~~an order~~, a summary ~~of~~ the order will appear ~~on~~ the public agenda for the next monthly **Board** meeting and is forwarded to ~~those members of the~~ public requesting a copy. ~~In~~ addition, ~~the same~~ summary will **appear** in the minutes of that Board meeting, which are **also made available to those requesting a copy**.

Within the month following entry of an **order**, a summary of the order will appear in a **Monthly Disciplinary Action Listing** which is **made** available to ~~those~~ members of the public requesting a copy.

On a periodic basis ~~the~~ Board disseminates to its licensees a newsletter which includes a **brief** description ~~of~~ all of the orders **entered by the Board**.

From time to time, the Press Office of the Division of Consumer Affairs may issue **releases including the summaries of the content** of public orders.

Nothing herein is intended in any way to **limit** the Board, the Division or the Attorney General from disclosing any public **document**.